

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND COMPOSITIONS FOR CELLULAR AND METABOLIC ENGINEERING** the specification of which \_\_\_\_\_ is attached hereto or X was filed on May 20, 1996 as Application No. 08/650,400 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|-----------------------------------|
|         |                 |                | Yes _____ No _____                |
|         |                 |                | Yes _____ No _____                |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date |
|-----------------|-------------|
|                 |             |
|                 |             |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing    | Status  |
|-----------------|-------------------|---|
| 08/198,431      | February 17, 1994 | ____ Patented <u>X</u> Pending ____ Abandoned |
| PCT/US95/02126  | February 17, 1995 | ____ Patented <u>X</u> Pending ____ Abandoned |
| 08/537,874      | October 30, 1995  | ____ Patented <u>X</u> Pending ____ Abandoned |
| 08/621,859      | March 25, 1995    | ____ Patented <u>X</u> Pending ____ Abandoned |
| 08/621,430      | March 25, 1996    | ____ Patented <u>X</u> Pending ____ Abandoned |
| 08/425,684      | April 18, 1995    | ____ Patented <u>X</u> Pending ____ Abandoned |

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

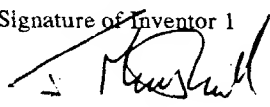
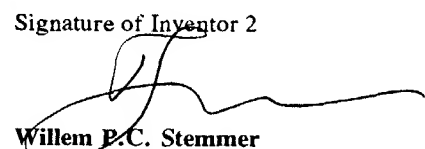
William M. Smith, Reg. No. 30,223  
 James M. Heslin, Reg. No. 29,541  
 Joe Liebeschuetz, Reg. No. 37,505  
 John R. Storella, Reg. No. 32,944  
 Renee A. Fitts, Reg. No. 35,136

|  |  |
|--|--|
| Send Correspondence to:<br><b>Renee A. Fitts</b><br><b>TOWNSEND and TOWNSEND and CREW LLP</b><br><b>Two Embarcadero Center, 8th Floor</b><br><b>San Francisco, CA 94111-3834</b> | Direct Telephone Calls<br>(Name, Reg. No., Telephone No.)<br><br><b>Name: Renee A. Fitts</b><br><b>Reg. No. 35,136</b><br><b>Telephone: (415) 326-2400</b> |
|--|--|

### List of Inventors

|                         |  |  |  |                          |
|-------------------------|--|--|--|--------------------------|
| Full Name of Inventor 1 | Last Name<br><b>Minshull</b>                               | First Name<br><b>Jeremy</b>                | Middle Name or Initial                           |                          |
| Residence & Citizenship | City<br><b>San Francisco</b>                               | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>Great Britain</b>   |                          |
| Post Office Address     | Post Office Address<br><b>1130 Shrader Street, Apt. #1</b> | City<br><b>San Francisco</b>               | State/Country<br><b>California</b>               | Zip Code<br><b>94117</b> |
| Full Name of Inventor 2 | Last Name<br><b>Stemmer</b>                                | First Name<br><b>Willem</b>                | Middle Name or Initial<br><b>P.C.</b>            |                          |
| Residence & Citizenship | City<br><b>Los Gatos</b>                                   | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>The Netherlands</b> |                          |
| Post Office Address     | Post Office Address<br><b>108 Kathy Court</b>              | City<br><b>Los Gatos</b>                   | State/Country<br><b>California</b>               | Zip Code<br><b>95030</b> |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|  |  |  |
|--|--|--|
| Signature of Inventor 1<br><br><b>Jeremy Minshull</b> | Signature of Inventor 2<br><br><b>Willem P.C. Stemmer</b> |  |
| Date <b>1 August 96</b>  | Date <b>8-1-96</b>   |  |

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Applicant: Jerry Minshull and Willem P.C. Stemmer

Application No: 08/650,400 Filed: May 20, 1996

For: METHODS AND COMPOSITIONS FOR CELLULAR AND METABOLIC ENGINEERING

AFFYMAX TECHNOLOGIE N.V., a Netherlands Antilles Corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8131, Frame 0871, or for which a copy of thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: Gordon Ringold

Date: 02/26/98

Name: Gordon Ringold

Title: Agent

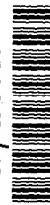
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UNITED STATES DEPARTMENT OF COMMERCE  
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OF PATENTS AND TRADEMARKS  
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09/490643



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JUNE 18, 1998

PTAS

AFFYMAX RESEARCH INSTITUTE  
LAUREN L. STEVENS  
CORPORATE OFFICES  
4001 MIRANDA AVENUE  
PALO ALTO, CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/1998

REEL/FRAME: 9011/0944  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
AFFYMAX TECHNOLOGIES N.V.

DOC DATE: 02/26/1998

ASSIGNEE:  
MAXYGEN, INC.  
3410 CENTRAL EXPRESSWAY  
SANTA CLARA, CALIFORNIA 95051

SERIAL NUMBER: 08650400  
PATENT NUMBER:

FILING DATE: 05/20/1996  
ISSUE DATE:

DIANE RUSSELE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595  
(Rev. 6/93)

03-11-1998



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Patent and Trademark Office

IEET

MAR 04 1998

Docket No. 2027

U.S. PTO  
09/490643

01/24/00

MRD 3.4.98

To the Assistant Commissioner of Patents. Please record the attached original document or copy thereof.

1. Name of Party(ies) conveying an interest:

AFFYMAX TECHNOLOGIES N.V.  
Glaxo Wellcome House, Berkeley Avenue,  
Greenford, Middlesex UB6 0NN, England

2. Name and Address of Party(ies) receiving an interest:

MAXYGEN, INC.  
3410 Central Expressway  
Santa Clara, California 95051

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

Other:

☒ Assignment

☐ Change of Name

☐ Security Agreement

☐ Merger

Execution date(s):

4. Application number(s) or patent number(s). Additional numbers attached? ☐ Yes ☒ No  
If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 08/650,400

B. Patent No.(s)

5. Name and Address of party to whom correspondence concerning document should be mailed:

AFFYMAX RESEARCH INSTITUTE  
Corporate Offices  
4001 Miranda Avenue  
Palo Alto, CA 9430  
(650) 812-8700

6. Number of applications and patents involved:

1

7. Total fee (37 CFR 3.41): \$40.00

☐ Enclosed ☒ Charge Fees to Deposit Account

☒ Charge any additional fees associated with this paper or during the pendency of this application, or any credit any overpayment, to deposit account.

8. Deposit account number: 01-0430

(Attach duplicate copy of this form if paying by deposit account)

03/11/1998 JSW:027 00000004 00000004 00000004 00000004  
Sale Ref: 00000004 00000004 00000004 00000004  
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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Lauren L. Stevens, Ph.D., Reg. No. 36,691  
Name of Person Signing

Lauren L. Stevens  
Signature

2-26-98  
Date

Total number of pages including cover sheet, attachments, and document: 3

ASSIGNMENT

WHEREAS, AFFYMAX TECHNOLOGIES N.V., a company whose registered address is Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex UB6 0NN, England, hereinafter referred to as "ASSIGNOR," is the owner of all rights in certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: METHODS AND COMPOSITIONS FOR CELLULAR AND METABOLIC ENGINEERING

Filing Date: May 20, 1996

Serial No.: 08/650,400

WHEREAS, MAXYGEN, INC., a Delaware corporation, located at 3410 Central Expressway, Santa Clara, California 95051, hereinafter referred to as "ASSIGNEE," wants to acquire an interest in the invention and application and in any Letters Patent and Registrations that may be granted on the same.

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, this Assignment is executed this 26<sup>th</sup> day of FEBRUARY, 1998.

By: Gordon Ringold

Name: Gordon Ringold

Title: Agent